

REMARKS

The drawings are objected to under 37 C.F. R. 1.83(a) for failure to show details of the hinges constructed as set forth in claim 33 and claim 34.

Claims 1-22 stand rejected under 35 U.S.C. § 112 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 33, 35 and 36 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lo Vico (U.S. No. 3,052,895).

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Wilkinson (U.S. 5,066,001) or Casey (U.S. 4,631,765).

Claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Ruddy (U.S. 5,666,679) or Alonso (U.S. 5,491,851).

Claims 1-22 are deemed allowable if re-written or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.

Applicants gratefully appreciate the Examiner's indication of allowable subject matter and further request reconsideration and allowance of the present application in view of the foregoing amendments which have addressed all the grounds for rejection or otherwise have rendered them moot.

Objections to the Drawings

The drawings are objected to under 37 C.F.R. §1.83(a) for failure to show details of the hinges constructed as set forth in claim 33 and claim 34. In response, Applicants submit herewith, Figure 2C showing a seam/opening 409 and strap 410 device in accordance with claims 33 and 34 and respectfully ask that the objection be withdrawn.

Amendments to the Specification

Figures 2A and 2B were added to illustrate the single hinge embodiment mentioned in the specification support for which can be found in paragraph 0027. Similarly, the foregoing addition of Figure 2C necessitated that the respective numerals be appended next to the elements in the description. It is not believed that any new matter

has been added to the specification and it is respectfully requested that the new drawings and the amendments be duly entered.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-22 stand rejected under 35 U.S.C. § 112 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17, 19 and 22 were rejected for use of “Tyvek”, “Gore-Tex”, “Sympa-Tex” and “Teflon” which are all trademarks/ trade names.

Applicants respectfully disagree that the use of Trademarks/trade names is per se improper, especially, where as here, the trade-mark has a fixed and definite meaning and no physical or chemical characteristics of the material is involved in the invention. See MPEP 608.01(v). It is generally known that DuPont’s Tyvek ® refers to high-density polyethylene fibers; Gore-Tex® refers to DuPont’s polytetrafluoroethylene, or PTFE fibers and is also better known to us as DuPont Teflon ®; Sympa-Tex ® refers to non-porous hydrophilic polyester membranes. These trademarks/trade names do have a fixed and definite meaning and as used in these claims, should not invite an indefiniteness rejection.

However, in order to accelerate the prosecution of this application, Applicants have amended the claims to delete the allegedly offending trademarks/trade names and hereby provisionally advise the Examiner that if upon due reconsideration, the Examiner finds the Applicants contention to be persuasive, that Applicants be given an opportunity by way of telephonic Examiner amendment to reinsert these trademarks/trade names.

Regarding the lack of antecedent basis in claim 1 for “the side of the storage area having the first and second hinge point”, Applicants have amended the claim accordingly.

In view of the foregoing amendments, Applicants respectfully ask that this ground for rejection be withdrawn.

Rejections under 35 U.S.C. § 102 (b)

Claims 33, 35 and 36 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lo Vico (U.S. No. 3,052,895). The Examiner asserts that Lo Vico discloses a carrying apparatus including a plurality of compartments and at least one

point about which the device pivots to form a carrying case. Applicants respectfully disagree that Lo Vico is a proper basis to assert a 35 U.S.C. § 102(b) rejection and now traverse as follows.

To anticipate a claim, a prior art reference must disclose every feature of a claimed invention either explicitly or inherently. *Hazani v. U.S. Int'l Trade Comm'n*, 126 F.3d 1473, 44 USPQ2d 1358 (Fed. Cir. 1997). Further, a dependent claim incorporates all the limitations of the base claim implying that if the base claim is not anticipated, the dependent claim cannot also be anticipated.

Since the Examiner has not rejected claim 32 as anticipated, independent claim 32 is presumed not anticipated by Lo Vico. As such, claims 33, 35 and 36, all of which depend from claim 32 cannot be anticipated by Lo Vico. For that at least, this ground for rejection is improper and must be withdrawn.

Furthermore, independent claim 32 has been amended to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles are always clean. As shown in Lo Vico, Figure 1, surface 15, when soiled after use will put dirt on the clean surfaces when folding the bag. In fact, Lo Vico, like other such folding mats or bags, the dirty surfaces that have been exposed to the ground, sand, mud and so on end up being the outer surfaces of the bags. The handles of Lo Vico are also in the sand or on the ground making it uncomfortable to carry after use. Succinctly put, there is no containment of the soiled or dirty surface after use in the case of Lo Vico.

Again, for the fact that Lo Vico does not teach or suggest, explicitly or inherently, all the claimed limitations of claims 33, 35 and 36, anticipation does not lie and it is respectfully requested that this ground for rejection be withdrawn.

Rejections under 35 U.S.C. § 103 (a)

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Wilkinson (U.S. 5,066,001) or Casey (U.S. 4,631,765). The Examiner asserts that Lo Vico discloses all structure of the claimed case except a hinge joint comprising openings in each compartment and a joining device extending through

each opening. The Examiner further asserts that the deficiency in Lo Vico is cured by either Wilkinson or Casey. Applicants disagree and now traverse as follows.

This ground for rejection is now moot in view of the amendment to independent claim 32 to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles are always clean. The combined arts of Lo Vico and Wilkinson or Lo Vico and Casey, do not teach, nor suggest, nor provide the motivation for, nor implicate, in any way, the likelihood that said combination will result in a carrying case wherein the outer surface of the carrying case is always unsoiled after use.

Since the combination which Examiner deems to be obvious fails to teach all the limitations of claim 33, it is considered moot at this point to question the combinability of the said combinations. Applicants respectfully ask that this ground for rejection be withdrawn.

Similarly, claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lo Vico in view of either Ruddy(U.S. 5,666,679) or Alonso (U.S. 5,491,851). The Examiner asserts that Lo Vico discloses all structures of the claimed case except a hinge joint comprising a sewn seam formed by a tab on each compartment. The Examiner further asserts that said deficiency is cured by either Ruddy or Alonso. Applicants disagree and now traverse as follows.


This ground for rejection is now moot in view of the amendment to independent claim 32 to include the structural and functional limitation that the outside surfaces of the carrying case, including shoulder straps and handles are always clean. The combined arts of Lo Vico and Ruddy or Lo Vico and Alonso, do not teach, nor suggest, nor provide the motivation for, nor implicate, in any way, the likelihood that said combination will result in a carrying case wherein the outer surface of the carrying case is always unsoiled after use.

Since the combination which Examiner deems to be obvious fails to teach all the limitations of claim 34, it is considered moot at this point to question the combinability of the said combinations. Applicants respectfully ask that this ground for rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants earnestly solicit early notification of allowability from the Examiner. Should the Examiner have any questions or believe a personal or telephonic interview may be in order, he is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,
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